

Applicant: Eliel Louzoun et al.  
Serial No.: 09/976,285  
Filed: October 16, 2001  
Page 6

## **REMARKS**

The present Response and Amendment is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Favorable reconsideration and allowance of the application is respectfully requested.

### **Status of Claims**

Claims 1-8, 11-19 and 21-30 are pending in the application. Claims 1-8, 11-19 and 21-30 have been rejected. Claims 1, 11, 19, 26, 29 and 30 have been amended.

Applicants respectfully assert that the amendments to the claims add no new matter.

### **Telephone Interview**

Initially, Applicants wish to thank the Examiner, Mary J. Steelman, and the Supervisory Primary Examiner, Wei Zhen, for granting and attending the telephone interview, with Applicants' Representative, Caleb Pollack, Reg. No. 37, 912 and Associate Yamima Eadan on May 11, 2006. In the interview, amendments to claim 1 as presented above were discussed. No agreement was reached. Claims 11, 19, 26, 29 and 30 have been amended in full accordance with the proposed amendment to claim 1.

### **Claim Rejections**

#### **35 U.S.C. § 103(a) Rejection Based on Kaufman in view of Ledzius**

In the Office Action, the Examiner rejected claims 1, 3-8, 10, 11, 26 and 28 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent 5,003,591 to Kaufman et al. ("Kaufman"), in view of U.S. Pat. 6,539,438 B1 to Ledzius et al. ("Ledzius").

Applicants respectfully traverse the rejection of claims 1, 3-8, 10, 11, 26 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Kaufman in view of Ledzius.

Applicant: Eliel Louzoun et al.  
Serial No.: 09/976,285  
Filed: October 16, 2001  
Page 7

Applicants' independent claim 1, as amended, includes inter alia, "managing downloading of at least two firmware functions, which when downloaded are accessible by more than one driver, at least one driver using the firmware functions to implement functionality for the driver ... and verifying for said at least one of said drivers if said firmware has been downloaded by another driver". Applicants assert that none of Kaufman or Ledzius alone or in combination teach or suggest, the method of Applicants' claim 1. Applicants' independent claim 26, as amended, includes inter alia, "a multi-function device that comprises at least two firmware functions, which when downloaded are accessible by more than one driver, at least one driver is to use the firmware functions to implement functionality for the driver [and] a processor ... to verify for said at least one of said drivers if said firmware has been downloaded by another driver". Applicants assert that none of Kaufman or Ledzius alone or in combination teach or suggest, the method of Applicants' claim 26.

Applicants respectfully submit that Kaufman does not teach "firmware functions, which when downloaded, are accessible by more than one driver" as recited in each of Applicant's claims 1 and 26. In col. 13, lines 42-45 of Kaufmann referenced by the Examiner, Kaufmann describes, "different terminals in the system accepting and executing different packages". Kaufmann teaches multiple distributed terminals accessing programs which can be downloaded locally, where after downloading, each program is accessible by only one terminal.

Applicants respectfully submit that Ledzius does not teach downloading firmware functions, required by Applicants' claims 1 and 26. In col. 3, lines 3-15, Ledzius describes downloading, "FPGA programming data ... [that] can be implemented and stored as configuration files ... on [a] PCMCIA card." As explained during the May 11, 2006

Applicant: Eliel Louzoun et al.  
Serial No.: 09/976,285  
Filed: October 16, 2001  
Page 8

Interview, these data comprise configuration files to cause hardware to execute certain functionalities, which are not firmware.

Applicants respectfully submit that Ledzius does not teach the driver which performs the download using the firmware functions to implement functionality for the driver itself, as required by claims 1 and 26, as amended. In col. 8, lines 8-11 of Ledzius, referenced above, Ledzius' QTT software driver 10 allocates the object downloaded to application programs and thus, the object downloaded is used to implement functionality for application programs separate from the driver and not for the driver itself.

Ledzius does not teach verifying for said at least one of said drivers if said firmware has been downloaded by another driver, as required by claims 1 and 26, as amended. In col. 8, lines 8-11, Ledzius describes, "The application program may request from QTT software driver 10 the hardware object it needs by name. QTT software driver 10 can allocate and initialize the hardware objects as requested". Ledzius does not teach multiple drivers, but one central driver, for example, the QTT software driver 10, downloading objects according to requests from a group of applications.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since none of Kaufman or Ledzius alone or in combination, teach or suggest all the elements of Applicants' independent claims 1 and 26 as amended, neither of Kaufman or Ledzius alone or in combination, renders independent claims 1 and 26 obvious.

As discussed, claims 1 and 26, as amended are allowable over Kaufman in view of Ledzius. Each of dependent claims 3-8, 11 and 28 depend directly or indirectly from one of amended independent claims 1 and 26, and therefore include all the limitations of independent

Applicant: Eliel Louzoun et al.  
Serial No.: 09/976,285  
Filed: October 16, 2001  
Page 9

claims 1 and 26, as amended. Therefore, dependent claims 3-8, 11 and 28 are likewise allowable.

Claim 10 was cancelled in the January 12, 2006 Response and Amendment. The Examiner's rejection of this claim is therefore moot.

Thus Applicants respectfully request that the rejection of claims 1, 3-8, 10, 11, 26 and 28 under 35 U.S.C. § 103(a), as being unpatentable over Kaufman in view of Ledzius, be withdrawn.

**35 U.S.C. § 103(a) Rejection Based on Kaufman in view of Ledzius and Lisle**

In the Office Action, the Examiner rejected claims 2, 19, 21-25, 27 and 29-30 under 35 U.S.C. § 103(a), as being unpatentable over Kaufman in view of Ledzius and in further view of U.S. Pat. 5,539,896 to Lisle et al. ("Lisle").

Applicants respectfully traverse the rejection of claims 2, 19, 21-25, 27 and 29-30 under 35 U.S.C. § 103(a) as being unpatentable over Kaufman in view of Ledzius and Lisle.

Applicants' independent claim 19, as amended, includes inter alia, "firmware functions which when downloaded are accessible by more than one driver, wherein at least one driver uses the firmware functions to implement functionality for the driver; and a processor adapted to ... reduce a risk of at least one of said drivers overwriting firmware that has been downloaded and is being used by another of said drivers". Applicants' independent claim 29, as amended, includes inter alia, "firmware functions, which when downloaded are accessible by more than one driver, at least one driver using the firmware functions to implement functionality for the driver ... and reducing a risk of at least one of said drivers overwriting firmware that has been downloaded and is being used by another of said drivers".

As discussed above neither Kaufman nor Ledzius teaches "firmware functions, which when downloaded, are accessible by more than one driver" and neither Kaufman nor Ledzius

Applicant: Eliel Louzoun et al.  
Serial No.: 09/976,285  
Filed: October 16, 2001  
Page 10

teaches downloading firmware functions or "at least one driver using the firmware functions to implement functionality for the driver". It is respectfully submitted that the addition of Lisle does not cure these deficiencies of Kaufman and Ledzius.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since none of Kaufman, Ledzius or Lisle alone or in combination, teach or suggest all the elements of Applicants' independent claims 19 and 29 as amended, none of Kaufman, Ledzius or Lisle alone or in combination, renders independent claims 19 and 29, as amended, obvious.

As discussed, claims 19 and 29, as amended, are allowable over Kaufman in view of Ledzius and in further view of Lisle. Each of dependent claims 21-25 and 30 depend directly or indirectly from one of amended independent claims 19 and 29, and therefore include all the limitations of one of these claims. Therefore, dependent claims 21-25 and 30 are likewise allowable.

As discussed, claims 1 and 26, as amended are allowable over Kaufman in view of Ledzius. Lisle does not cure the deficiencies of Kaufman or Ledzius. Each of dependent claims 2 and 27 depend directly or indirectly from one of amended independent claims 1 and 26, and therefore include all the limitations of one of these claims. Therefore, dependent claims 2 and 27 are likewise allowable.

Thus Applicants respectfully request that the rejection of claims 2, 19, 21-25, 27 and 29-30 under 35 U.S.C. § 103(a), as being unpatentable over Kaufman in view of Ledzius and in further view of Lisle, be withdrawn.

Applicant: Eliel Louzoun et al.  
Serial No.: 09/976,285  
Filed: October 16, 2001  
Page 11

**35 U.S.C. § 103(a) Rejection Based on Kaufman in view of Ledzius and Falik**

In the Office Action, the Examiner rejected claims 12-18 under 35 U.S.C. § 103(a), as being unpatentable over Kaufman in view of Ledzius and in further view of U.S. Pat. Application No. 2002/0166061 A1 to Falik et al. ("Falik").

Applicants respectfully traverse the rejection of claims 12-18 under 35 U.S.C. § 103(a) as being unpatentable over Kaufman in view of Ledzius and Falik.

As discussed above neither Kaufman nor Ledzius teaches the limitations of claim 1. It is respectfully submitted that the addition of Falik does not cure the deficiencies of Kaufman and Ledzius.

Claims 12-18 depend, indirectly, from claim 1, and include all the limitations of claim 1. Thus, claims 12-18 are likewise allowable.

Thus Applicants respectfully request that the rejection of claims 12-18 under 35 U.S.C. § 103(a), as being unpatentable over Kaufman in view of Ledzius and in further view of Falik, be withdrawn.

**Conclusion**

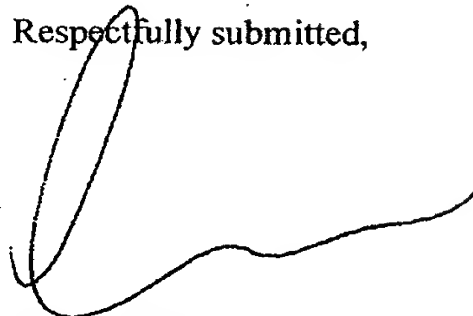
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Response and Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Applicant: Eliel Louzoun et al.  
Serial No.: 09/976,285  
Filed: October 16, 2001  
Page 12

No fees are believed to be due associated with this paper. If any such fees are due,  
please charge such fees to deposit account No. 50-3355.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Caleb Pollack', written over a horizontal line.

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